



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do **NOT** use for expedited rule making

Agency:

☐ Preproposal Statement of Inquiry was filed as WSR _____; or
☐ Expedited Rule Making--Proposed notice was filed as WSR _____; or
☒ Proposal is exempt under RCW 34.05.310(4). (b) rules relating only to internal governmental operations and (g)(i) rules that amend a procedure relating to agency hearings.

☒ Original Notice

☐ Supplemental Notice to WSR _____

☐ Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject)

WAC 461-08-330 Board decision making on appeals.

WAC 461-08-330 is a procedural rule which establishes which appeals the Shorelines Hearings Board will hear as short-board appeals. Short-board appeals are appeals heard by a three board member panel. The three board member panel must have at least one but not more than two members of the pollution control hearings board.

Hearing location(s):

Environmental Hearings Office
 4224 6th Avenue SE Bldg. 2
 Lacey, WA 98504-0903

Submit written comments to:

Name: Kay Brown

Address:

Environmental Hearings Office
 4224 6th Avenue SE Bldg. 2
 Lacey, WA 98504-0903

e-mail eho@eho.wa.gov

fax 360-438-7699

Please submit comments by July 24, 2009

Date: July 24, 2009 Time: 9:30 a.m.

Date of intended adoption: October 13, 2009

(Note: This is **NOT** the effective date)

Assistance for persons with disabilities: Contact

Robyn Bryant by phone at 360-459-6327

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The purpose of the amendment to WAC 461-08-330 is to incorporate the Legislature's amendment to RCW 90.58.185 into the agency's rules. The amendment, contained in Senate Bill 6165 that was passed in the 2009 regular session, becomes effective July 25, 2009. It allows the chair of the hearings board to designate cases for review by a short-board panel.

Reasons supporting proposal: The Legislature amended RCW 90.58.185 in the 2009 regular session to allow greater flexibility in utilizing short-board panels as a cost-saving measure.

Statutory authority for adoption: RCW 90.58.175, RCW 90.58.185,
 Ch. 34.05 RCW

Statute being implemented: RCW 90.58.185

Is rule necessary because of a:

Federal Law?

☐ Yes

☐ No

Federal Court Decision?

☐ Yes

☐ No

State Court Decision?

☐ Yes

☐ No

If yes, CITATION:

DATE 06-12-09

NAME (type or print) Kathleen D. Mix

SIGNATURE

Kathleen D. Mix

TITLE

Chair, Pollution Control Hearings Board

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
 STATE OF WASHINGTON
 FILED

DATE: June 12, 2009

TIME: 9:00 AM

WSR 09-13-052

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Name of proponent: (person or organization) Environmental Hearings Office

☐ Private
☐ Public
☒ Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Kay Brown	Environmental Hearings Office	(360) 459-6327
Implementation....Kathleen D. Mix	Environmental Hearings Office	360 459-6327
Enforcement..... Kathleen D. Mix	Environmental Hearings Office	(360) 459-6327

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

☒ No. Explain why no statement was prepared.

No statement is required for adoption of rules because this rule amendment does not impose costs on businesses.

Is a cost-benefit analysis required under RCW 34.05.328?

☐ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

☒ No: Please explain: A cost benefit analysis is not required because WAC 461-08-330 is a rule dealing with procedures for an agency hearing. See RCW 34.05.328(5)(c)(i).